

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-088

19 April 1982

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence
Director, Intelligence Community Staff

STAT FROM:
Chairman

SUBJECT: NSDD-19

1. Action Requested: That you (a) schedule an NFIC meeting to discuss proposals to upgrade our security program to better protect intelligence in general in keeping with Judge Clark's memorandum of 2 February 1982 on NSDD-19 procedures; and (b) sign the attached memorandum to Judge Clark.

2. Background: On 2 February 1982, Judge Clark issued a memorandum for the President (Tab A) that superseded NSDD-19. Judge Clark's memorandum established procedures for the protection of National Security Council information and directed the DCI to "develop similar procedures for the protection of classified intelligence information." On 2 March 1982, you submitted proposed procedures for the protection of classified intelligence information to NFIC for review and comment (Tab B). Our proposed procedures elicited several expressions of concern from Community members, principally in connection with our calls for greater controls over contacts with the press, expanded use of nondisclosure agreements as a condition of access to intelligence, and advocacy of broader use of the polygraph in leak investigations. Recommendations were received that NFIC discuss the proposals prior to further efforts at implementation.

3. The Counsel for Intelligence Policy, Department of Justice (DoJ), suggested that our proposals went too far in some cases and did not capitalize on opportunities permitted by Judge Clark's memorandum in others. Most serious was DoJ's concern that we had misinterpreted Judge Clark's instruction, i.e., that he was asking you merely to provide the NSC with guidance on how you wanted the NSC to protect the Community's intelligence and not, as we interpreted, how the Community should move to improve security efforts in general so as to reduce the risk of unauthorized disclosures. On 14 April, after earlier unsuccessful

attempts to obtain clarification on this point, the Office of General Counsel was advised by NSC staff counsel that Judge Clark's direction was meant to provide you with the opportunity to strengthen any aspect of the overall procedures to protect intelligence material. While the NSC staff did not have anything specific in mind, they intended that your charter to address security issues would be broad rather than narrow as suggested by DoJ.

4. Current Status. As a consequence of trying to accommodate the several expressions of concern received in the process of coordinating our original proposals with Community members, we ended up with a least common denominator security paper that would essentially maintain the status quo. As such, it would not address broad changes that are desirable and responsive to the thrust of Judge Clark's directions. In the interim, a related action directed by Judge Clark in his 2 February memorandum has resulted in the submission of a report to the President by Attorney General Smith which addresses the effectiveness of existing statutes and Executive orders prohibiting unauthorized disclosures of classified information.

5. We note that the report speaks, in part, of the need for a better overall protective security program and addresses several of the same issues we originally proposed in our procedures. Among these are: nondisclosure agreements, polygraph usage in leak investigations, and clearer controls over contacts between media representatives and government officials. The Attorney General's report includes in its recommendations that "all agencies should be encouraged to place greater emphasis on protective security programs. Authorities for federal personnel security programs should be revised and updated." While the report and its recommendations have not received the approval of participating agencies (State, Treasury, Defense, Energy, and DCI), Attorney General Smith notes that the effectiveness of our enforcement effort can be improved by adopting the recommendations of the report, which he endorses.

6. Accordingly, we now find ourselves in possession of (a) clarification of Judge Clark's intentions, which indicates our original proposals were appropriate; (b) unresolved contention in the Community over some of these proposals; and (c) a general endorsement from the Attorney General of a report, already transmitted to the President, which incorporates the issues we had originally set before the Community. However, we still owe Judge Clark a response.

7. Staff Position: Efforts were underway prior to receipt of Judge Clark's 2 February memorandum, both within and outside the Intelligence Community, to strengthen and revise federal security programs. The Office of Personnel Management (OPM) is reviewing the largely defunct federal personnel security program governed by Executive Order 10450, which was adopted in 1953. The Secretary of Defense has ordered a review of the DoD personnel security program. Executive Order 12356 governing classification of national security information has recently been issued and implementing guidelines have been circulated for review and comment. DCI representatives participate in these efforts. Further, several DCIDs which directly address personnel, physical and document security measures to protect intelligence are under active review. These actions, already in process, offer potential for DCI initiatives to further Judge Clark's and the President's objective of better security programs.

8. At the same time, the NFIC membership should have opportunity to air their perceptions. We believe their concerns can be assuaged by DCI assurance of a logical, gradual, but sure effort to enhance the Community's security programs with full Community participation. This gradual approach to improvement will allow Community members to evaluate the efforts, estimate costs, and seek necessary resources to implement them. On the other hand, under this approach we would not be in a position now to provide Judge Clark the full range of security options and their cost.

9. We believe the security proposals and recommendations contained in Attorney General Smith's report are sound and should be endorsed by you. I understand the General Counsel has recommended you do so (Tab C). Once the NSC and the President have acted on these recommendations, we will be in a better position to carry out the new initiatives they address. Additionally, action by the President with respect to some of these issues, such as the elimination of self-imposed restrictions on use of the polygraph and broader use of nondisclosure agreements, would render moot any uncertainty concerning your authority to address them. In the interim, we should continue ongoing efforts to enhance our security programs. The General Counsel endorses this approach.

10. Recommendations:

a. That the DCI convene an early meeting of the NFIC to hear member concerns regarding security enhancement and to give assurances of a cooperative effort through the

committee mechanism to improve our security program; use Attorney General Smith's recommendations as an outline for new security initiatives, and elicit additional ideas from members.

b. That you sign the memorandum to Judge Clark at Tab D informing him of this course of action.



STAT

Attachments:
As stated.